THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10678 OF 1997

Date: 17th day of November,2006.

Between:

M/s.Anand Food Products

Petitioner

And

The Authority under the Minimum Wages Act and Assistant Commissioner of Labour, Circle-IV, Anjaiah Bhavan, RTC X Roads, Hyderabad and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10678 OF 1997

ORDER:

1. This writ petition has been filed aggrieved by the recovery proceedings initiated by the respondents for the purposes of securing the differential amount under the Minimum Wages Act payable to various employees working in the writ petitioner company.

2. It is the case of the petitioner that the competent authority has decided and adjudicated the claim at the very first instance i.e. on 31.8.1994, on which date the petitioner was handicapped in not effectively participating in the adjudication process because of the ill-health of the production Manager of the company. Therefore, the petitioner had filed an application under Rule 34(4) of A.P. Minimum Wages Rules seeking the authority to set aside the orders of *exparte* adjudication dated 31-08-1994. Without adjudicating this application, the second respondent has issued the recovery proceedings in Form-7 ordering for recovery of amount adjudicated through the proceedings dated 31-8-1994. The grievance of the writ petitioner is that having received the application on 29-9-1994 and without adjudicating the same, the respondents are proceeding further by way of enforcing the recovery. The learned Government Pleader makes a statement at the bar that the writ petitioner to establish his bonafides had already deposited the adjudicated amount but the same was not disbursed as yet to the eligible employees. In view of this development that the writ petitioner has deposited the adjudicated amount it is only fair that the application moved by him on 29-9-

1994 is taken up for consideration at the earliest by the second respondent and appropriate orders are passed thereon. I therefore direct the second respondent to proceed to consider the application moved by the writ petitioner on 29-9-1994 and decide the same within a period of one month from the date of receipt of this order.

3. The writ petition is, accordingly, disposed of. No order as to costs.

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17-11-2006

Stp